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E-Filed July 6, 2018

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

U.S.A. DAWGS, INC.,
Debtor.

Case No. 18-10453-LEB
Chapter 11

**NOTICE OF ENTRY OF ORDER
DENYING MOTION TO REMOVE
CERTAIN LITIGATION CLAIMS FROM
THE LIST OF ASSETS BEING SOLD AT
THE JUNE 29, 2018 AUCTION OF
DEBTOR'S ASSETS OR, IN THE
ALTERNATIVE, FOR THE
APPOINTMENT OF A CHAPTER 11
TRUSTEE TO DETERMINE VALUES
AND BEST USE OF DEBTOR'S
LITIGATION CLAIMS**

Judge: Hon. Laurel E. Babero

PLEASE TAKE NOTICE that the **Order Denying Motion to Remove Certain Litigation Claims From the List of Assets Being Sold at the June 29, 2018 Auction of Debtor's Assets or, in the Alternative, for the Appointment of a Chapter 11 Trustee to Determine Values and Best Use of Debtor's Litigation Claims** ("Order") [ECF No. 489] was entered on July 6, 2018.

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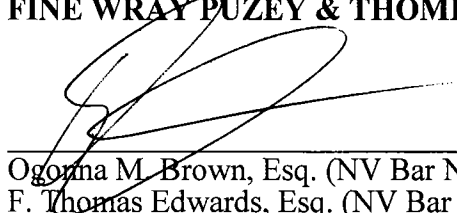
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1 A copy of said Order is attached.

2 Dated this 6th day of July, 2018.

3 **HOLLEY DRIGGS WALCH**
4 **FINE WRAY PUZEY & THOMPSON**

5 
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HOLLEY•DRIGGS•WALCH
FINE•WRAY•PUZEY•THOMPSON

HPW

Laurel E. Babero

Honorable Laurel E. Babero
United States Bankruptcy Judge



Entered on Docket
5 July 06, 2018

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Attorneys for GemCap Lending I, LLC

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
U.S.A. DAWGS, INC.,
Debtor.

Case No. 18-10453-LEB
Chapter 11

**ORDER DENYING MOTION TO
REMOVE CERTAIN LITIGATION
CLAIMS FROM THE LIST OF ASSETS
BEING SOLD AT THE JUNE 29, 2018
AUCTION OF DEBTOR'S ASSETS OR,
IN THE ALTERNATIVE, FOR THE
APPOINTMENT OF A CHAPTER 11
TRUSTEE TO DETERMINE VALUES
AND BEST USE OF DEBTOR'S
LITIGATION CLAIMS**

Hearing Date: June 28, 2018
Hearing Time: 1:30 p.m.

Judge: Hon. Laurel E. Babero

HOLLEY•DRIGGS•WALCH
FINE•WRAY•PUZEY•THOMPSON
HDW

On June 28, 2018, at 1:30 p.m. ("Hearing"), the Court presided at the Hearing over the contested Motion to Remove Certain Litigation Claims From the List of Assets Being Sold at the June 29, 2018 Auction of Debtor's Assets Or, In the Alternative, For the Appointment of a Chapter 11 Trustee to Determine Values and Best Use of Debtor's Litigation Claims [ECF No. 431]¹ ("Motion") filed by Double Diamond Distribution, Ltd. ("Double Diamond"), a creditor and affiliate of debtor U.S.A. Dawgs, Inc. ("Debtor").

At the Hearing, counsel Ogonna M. Brown, Esq. and Todd M. Lander, Esq. appeared on behalf of GemCap Lending I, LLC ("GemCap"); counsel Teresa Pilatowicz, Esq. appeared on behalf of debtor U.S.A. Dawgs, Inc. ("Debtor"); counsel Brian E. Holthus, Esq. and Benjamin Mintz, Esq. (telephonically) appeared on behalf of Crocs, Inc. ("Crocs"); and counsel Uzzi O. Raanan, Esq. and Elizabeth E. Stephens, Esq. appeared on behalf of Double Diamond. All other appearances in the courtroom and those appearing telephonically at the Hearing were also noted on the record.

The Court having reviewed the Motion and related pleadings and papers on file herein, and based upon the findings of fact and conclusions of law placed on the record at the Hearing and incorporated herein pursuant to FED. R. BANKR. P. 9014(a) and (c) and 7052, and good cause appearing:

IT IS ORDERED that the Motion is **DENIED**.

IT IS FURTHER ORDERED that the Auction of all of the Debtor's Assets established pursuant to the Bid Procedures Order of this Court [ECF No. 383] shall proceed as scheduled in accordance with the terms of the Bid Procedures Order, pursuant to which a Notice of Auction on file with this Court [ECF No. 380] scheduled an auction to occur June 29, 2018, at 10:00 a.m. and a subsequent sale hearing to occur June 29, 2018, at 4:00 p.m., in Courtroom No. 3 of the Foley Federal Building and United States Courthouse, 300 Las Vegas Boulevard South, Las Vegas, Nevada 89101.


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¹ All references to "ECF No." are to the numbers assigned to the documents filed in the bankruptcy case of *In re U.S.A. Dawgs, Inc.*, Bankr. D. Nev. Case No. 18-10453-LEB as they appear on the docket maintained by the Clerk of the Court of the United States Bankruptcy Court for the District of Nevada.

1 **IT IS SO ORDERED.**

2 Prepared and submitted by:

3 **HOLLEY DRIGGS WALCH**
4 **FINE WRAY PUZEY & THOMPSON**

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6 _____
7 Ogonna M. Brown, Esq. (NV Bar No. 7589)
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HDW | HOLLEY•DRIGGS•WALCH
FINE•WRAY•PUZEY•THOMPSON

RULE 9021 CERTIFICATE

In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- ☐ The Court has waived the requirements set forth in LR 9021(b)(1).
- ☐ No party appeared at the hearing or filed an objection to the motion
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

GARMAN TURNER GORDON LLP

Teresa M. Pilatowicz, Esq.

Attorneys for Debtor

DID NOT RESPOND

SULLIVAN HILL LEWIN REZ & ENGEL

Elizabeth E. Stephens, Esq.

DANNING GILL DIAMOND & KOLLITZ

Uzzi O. Raanan (CA Bar No 162747)

Attorneys for Double Diamond Distribution, Ltd.

APPROVED

JOLLEY URG A WOODBURY HOLTHUS & ROSE

Brian E. Holthus, Esq.

ARNOLD & PORTER KAYE SCHOLER LLP

Michael L. Bernstein, Esq.

Charles A. Malloy, Esq.

Benjamin Mintz, Esq.

Attorneys for Crocs, Inc.

APPROVED

- ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

HOLLEY DRIGGS WALCH
FINE WRAY PUZEY & THOMPSON

Gonna M. Brown, Esq.

Nevada Bar No. 7589

400 South Street, Third Floor

Las Vegas, NV 89101

Of Attorneys for GemCap I Lending, LLC

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CERTIFICATE OF SERVICE

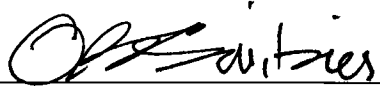
I hereby certify that I am an employee of Holley Driggs Walch Fine Wray Puzey & Thompson, and that on the 6th day of July 2018, I caused to be served a true and correct copy of NOTICE OF ENTRY OF ORDER denying MOTION TO REMOVE CERTAIN LITIGATION CLAIMS FROM THE LIST OF ASSETS BEING SOLD AT THE JUNE 29, 2018 AUCTION OF DEBTOR'S ASSETS OR, IN THE ALTERNATIVE, FOR THE APPOINTMENT OF A CHAPTER 11 TRUSTEE TO DETERMINE VALUES AND BEST USE OF DEBTOR'S LITIGATION CLAIMS in the following manner:

☒ (ELECTRONIC SERVICE) Under Administrative Order 02-1 (Rev. 8-31-04) of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by that Court's facilities.

☐ (UNITED STATES MAIL) By depositing a copy of the above-referenced document for mailing in the United States Mail, first class postage prepaid, at Las Vegas, Nevada, to the parties listed on the attached service list, at their last known mailing addresses, on the date above written.

☐ (OVERNIGHT COURIER) By depositing a true and correct copy of the above-referenced document for overnight delivery via Federal Express, at a collection facility maintained for such purpose, addressed to the parties on the attached service list, at their last known delivery address, on the date above written.

☐ (FACSIMILE) That I served a true and correct copy of the above-referenced document via facsimile, to the facsimile numbers indicated, to those persons listed on the attached service list, on the date above written.


An employee of Holley Driggs Walch Fine
Wray Puzey & Thompson